

**ASSEMBLY BILL**

**No. 1616**

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**Introduced by Assembly Member Garrick**

February 23, 2007

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An act to repeal Section 19517.5 of the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as introduced, Garrick. Horse racing: controlled substances: administrative hearings.

Existing law requires enforcement proceedings relating to the use of prohibited substances during a horse race be referred to the Office of Administrative Hearings for adjudication, as specified.

This bill would repeal that provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 19517.5 of the Business and Professions
- 2 Code is repealed.
- 3 ~~19517.5. (a) Enforcement proceedings that allege the use of~~
- 4 ~~a prohibited substance, as defined under class I, class II, or class~~
- 5 ~~III of the board's schedule of prohibited substances, shall be~~
- 6 ~~referred directly to the Office of Administrative Hearings for~~
- 7 ~~administrative adjudication and preparation of a proposed decision~~
- 8 ~~for action by the board, unless both the licensee and the board~~
- 9 ~~waive that referral.~~

1     ~~(b) The hearing before an administrative law judge shall~~  
2     ~~commence no later than 90 days after the filing of the accusation.~~  
3     ~~The administrative law judge may extend the hearing date only~~  
4     ~~upon a showing of good cause to the earliest possible hearing date~~  
5     ~~beyond the 90-day period, provided a written order and the reasons~~  
6     ~~for the continuance are filed with the board.~~

7     ~~(c) No later than 20 days before the hearing, the licensee shall~~  
8     ~~post a bond with the paymaster of purses for the amount of the~~  
9     ~~purse or purses in question and received by the licensee. The bond~~  
10    ~~shall be in cash, or a surety bond that meets the requirements of~~  
11    ~~the board.~~

12    ~~(d) (1) The board shall neither modify nor amend a proposed~~  
13    ~~decision by the administrative law judge so as to increase any~~  
14    ~~sanction or penalty contemplated in the proposed decision.~~

15    ~~(2) The board may, by means of a written decision that includes~~  
16    ~~the reasons for its decision, modify or amend a proposed decision~~  
17    ~~by the administrative law judge so as to decrease, mitigate, or~~  
18    ~~suspend a sanction or penalty contemplated in the proposed~~  
19    ~~decision.~~